

**Preparatory Committee for the 2010 Review
Conference of the Parties to the Treaty on the
Non-Proliferation of Nuclear Weapons**

12 May 2009

Original: English

Third session

New York, 4-15 May 2009

**Working paper submitted by Belgium, Lithuania, the
Netherlands, Norway, Poland, Spain and Turkey for
consideration at the third session of the Preparatory
Committee for the 2010 Review Conference of the Parties
to the Treaty on the Non-Proliferation of Nuclear Weapons**

Introduction¹

1. We are determined to uphold the viability of the Treaty on the Non-Proliferation of Nuclear Weapons and its central role in the international non-proliferation regime, the pursuit of nuclear disarmament with the objective of achieving a world free of nuclear weapons and the peaceful use of the atom.
2. We are convinced that the continued strength and vitality of the Treaty stems from the balanced and comprehensive approach embodied in it. We are resolved to make significant progress in all areas of the Treaty by ensuring the full application of the international nuclear non-proliferation standards to meet the current threats and challenges, by taking practical steps towards the total elimination of nuclear weapons and by enhancing international cooperation on the peaceful use of nuclear energy for the benefit of mankind. The principles of responsibility, accountability, verification and transparency are crucial.
3. We stress the need of making full and constructive use of the Treaty review process, which offers a regular opportunity to check the impact of changing circumstances on the functioning of the Treaty.
4. We acknowledge that the effects of globalization on political, security, economic, energy and environmental affairs should be taken into account in the Treaty review process. We are conscious of the many opportunities offered by technological advances in the nuclear field and by increased access to and demand for nuclear energy and other civilian nuclear applications. These developments

¹ The present working paper complements proposals contained in the working paper (NPT/CONF.2005/WP.35) submitted by Belgium, Lithuania, the Netherlands, Norway, Spain, Poland and Turkey at the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons.



should be matched by innovative and cooperative measures to ensure the continued relevance and respect of the international non-proliferation regime.

5. We recognize that full and universal implementation of the Treaty offers a unique contribution to international peace and security.

6. We call on those States that remain outside of the Treaty to adhere to it as non-nuclear-weapon States.

7. We are also convinced that international peace and security will be negatively affected if a State party were to withdraw from the Treaty and we call on all States parties to the Treaty to remain indefinitely committed to it.

1. Nuclear disarmament

8. Nuclear disarmament, non-proliferation and peaceful use are all essential to the Treaty regime and are complementary to each other. As such, they require equal treatment. Irreversible progress on disarmament will subsequently reinforce the two other pillars of the Treaty. Nuclear disarmament requires an incremental but sustained approach in which all treaty-based nuclear arms control and disarmament agreements play distinctive roles. Treaty-based nuclear arms control is indispensable for the active promotion of collective security and cooperation in the pursuit of global disarmament. The unequivocal undertaking by all nuclear-weapon States to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament, to which all States parties are committed under article VI of the Treaty, is one of the major achievements of the Treaty process. This undertaking must now be operationalized, building also on article VI and the 13 practical steps for nuclear disarmament agreed upon in 2000. The diminishing role attributed to nuclear weapons in security policies should be maintained and further pursued, minimizing the risk that these weapons will ever be used. Further diminishing the role of nuclear weapons will pave the way for and facilitate their ultimate elimination:

(a) We welcome the steps nuclear-weapon States have taken so far to reduce their nuclear arsenals. While recalling the principles of irreversibility, verifiability and transparency, we welcome and encourage the efforts to replace START with a new legally binding instrument;

(b) We also call for the inclusion of all non-strategic nuclear weapons by those States which possess them in their general arms control and disarmament processes, with a view to their reduction and elimination. We encourage the further implementation of existing commitments in this area;

(c) We encourage States possessing nuclear weapons to publish their aggregate holdings of nuclear weapons, both active and in reserve;

(d) We also call on all nuclear-weapon States to pursue a policy that is fully compatible with the objective of the total elimination of nuclear weapons as foreseen under the Treaty;

(e) We maintain a long-standing commitment to arms control, disarmament and non-proliferation as an integral part of our overall security policy, firmly embedded in the broader political context in which we seek to enhance stability and security by lowering arms levels and increasing military transparency and mutual confidence;

(f) Recognizing that progress has been made with regard to the commitments of the 2000 Review Conference on concrete measures to reduce the operational status of nuclear weapons systems, we call for further progress in this area;

(g) We support initiatives aimed at encouraging nuclear-weapon States to place nuclear material no longer required for military purposes under the International Atomic Energy Agency (IAEA) verification regime.

2. Nuclear non-proliferation

9. Nuclear non-proliferation is essential for maintaining peace and security. Non-proliferation is a precondition for achieving the goal of a world free of nuclear weapons. Given continued loopholes in the international non-proliferation regime, and their security risks for the international community as a whole, it is imperative to strengthen the non-proliferation dimension of the Treaty:

(a) We recognize that IAEA is the sole multilateral body in administering international safeguards to ensure that nuclear technology for peaceful purposes is not diverted to nuclear weapons programmes;

(b) We consider the IAEA comprehensive safeguards agreements and the Additional Protocol to constitute the current verification standard, and call upon all States parties which have not done so to ratify and implement these vital instruments without delay;

(c) The entry into force of the Comprehensive Nuclear-Test-Ban Treaty (CTBT) will form an integral part of a strengthened and more credible non-proliferation regime. We urge all States which have not yet done so to swiftly sign and ratify CTBT. A special responsibility in this endeavour lies with the annex II States.

(d) Commencing without delay negotiations on an internationally and effectively verifiable fissile material cut-off treaty, and reaching agreement on such a treaty, will offer a vital contribution to the global non-proliferation architecture. Pending such agreement, we call for an immediate moratorium on the production of fissile material for nuclear weapons;

(e) Security Council resolution 1540 (2004) calls on all States members of the United Nations to establish and enforce effective domestic legislation to prevent proliferation of material and technology for manufacture of weapons of mass destruction and their means of delivery. We firmly urge all States to implement resolution 1540 (2004) and the subsequent resolutions of the Security Council in good faith;

(f) Export controls play a crucial role in the implementation of the non-proliferation obligations of States parties. We welcome increased transparency between export control mechanisms and their contribution to international export control cooperation;

(g) Universal approaches can be usefully complemented by cooperative efforts and initiatives, such as the Proliferation Security Initiative, the Global Partnership against the Spread of Weapons of Mass Destruction and the Global Initiative to Combat Nuclear Terrorism, as well as regional lines for action, towards the implementation of non-proliferation obligations.

3. Peaceful uses of nuclear energy

10. In accordance with article IV of the Treaty and article II of the statute of IAEA, we reaffirm our support for the inalienable right of all parties to the Treaty to develop research, produce and use nuclear energy for peaceful purposes, without discrimination and in conformity with articles I, II and III of the Treaty.

11. A significant number of States have expressed an interest in obtaining the benefits of nuclear power, while several more are expanding their existing nuclear programmes. Additional peaceful applications of nuclear energy in the areas of health, agriculture, environment protection and industry are also being used and discovered. In the light of this growing interest in the peaceful applications of nuclear energy, we are convinced that States parties must also address serious proliferation and non-compliance challenges. Thus, we reconfirm the value of the Treaty and the need to preserve the balance between the pillars of the Treaty, and also between its rights and obligations:

(a) We recognize the importance for the international non-proliferation regime of promoting a global nuclear, radiation and waste safety culture and the need for measures to improve nuclear security. We believe that IAEA should play an important role in this field through its various programmes and initiatives;

(b) We underline and support the role of IAEA in assisting developing countries in the peaceful use of nuclear energy and applications in the areas of health, agriculture, environment protection and industry through the development of effective programmes aimed at improving their scientific, technological and regulatory capabilities. IAEA technical cooperation programmes also play a relevant role in assuring the peaceful use of nuclear energy and reducing the associated proliferation risks;

(c) We believe that, in order to provide credible assurances about the peaceful nature of national programmes, the peaceful use of nuclear energy should be linked with national implementation of the IAEA Additional Protocol, based on the model text of INFCIRC/540 (Corrected), which is a fundamental component and instrument of the international regime against nuclear proliferation;

(d) We believe that the development of multilateral nuclear fuel supply mechanisms can have a particular relevance for the global nuclear non-proliferation regime. Setting up an international nuclear fuel bank under the control of IAEA will constitute an initial important step ensuring that nuclear fuel cycles will be exclusively used for peaceful purposes. The impartiality of IAEA will be a key factor in giving credibility to, and raising the profile of, any assurance provided by the nuclear fuel bank.

4. Negative security assurances and nuclear-weapon-free zones

12. Legally binding negative security assurances enhance international peace and security and contribute to consolidating the non-proliferation regime. Regional nuclear-weapon-free zones established on the basis of 1999 guidelines of the United Nations Disarmament Commission provide an important tool to advance the implementation of the Treaty:

• **Negative security assurances**

We are convinced that legally binding security assurances provided by the five nuclear-weapon States to the non-nuclear-weapon States would strengthen the nuclear non-proliferation regime and we advocate the commencement of negotiations to that end. Pending legally binding assurances, we call upon the nuclear-weapon States to abide by their unilateral security assurances and to reaffirm existing security assurances noted by the Security Council in its resolution 984 (1995).

• **Nuclear-weapon-free zones**

In the context of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, we attach great importance to the development of internationally recognized nuclear-weapon-free zones, as elaborated in the guidelines adopted by the Disarmament Commission at its substantive session in 1999. Implementing nuclear-weapon-free zones is a way of enhancing negative security assurances on a regional basis, and contributes to the strengthening of the Treaty as it facilitates the process of the total elimination of nuclear weapons. We are committed to the establishment of a zone free of nuclear weapons and other weapons of mass destruction and their means of delivery in the Middle East.

5. Nuclear terrorism and illicit trafficking in nuclear material

13. Nuclear terrorism and illicit trafficking in nuclear material represent considerable security threats that need to be adequately addressed also at the international level. We recall that a key objective of Security Council resolution 1540 (2004) is to prevent non-State actors from acquiring nuclear weapons as well as relevant nuclear materials and technologies. We call for a comprehensive and mutually reinforcing approach, using all available means:

(a) International Convention for the Suppression of Acts of Nuclear Terrorism;

(b) IAEA, including the nuclear security programme, the amended Convention on the Physical Protection of Nuclear Material and the Code of Conduct on the Safety and Security of Radioactive Sources;

(c) Global Initiative to Combat Nuclear Terrorism;

(d) Proliferation Security Initiative;

(e) Voluntary efforts by States to convert their civilian nuclear research reactors from using highly enriched uranium (HEU) to low enriched uranium (LEU).

6. Strengthening the consultative mechanism for the Treaty on the Non-Proliferation of Nuclear Weapons

14. The Treaty on the Non-Proliferation of Nuclear Weapons is a cornerstone of the international nuclear non-proliferation and disarmament regime. Mindful of the 1995 decision on strengthening the Treaty review process, the Treaty warrants a substantial and continuous follow-up:

(a) We welcome the further development of a consultative mechanism for the Treaty, including the consideration of options for an institutional framework, which would provide States parties with an ability to react adequately and in a timely manner to developments and challenges;

(b) While fully recognizing the primary responsibility of the Security Council for the maintenance of international peace and security, States parties should urgently consult upon receipt of a notification by a State party of its intention to withdraw from the Treaty;

(c) We call on all States parties to actively use the Treaty meetings, including through regular reporting, and to contribute to this process by increasing transparency and accountability;

(d) We welcome the contribution of civil society in promoting the principles and objectives of the Treaty. The 2010 Review Conference should acknowledge this indispensable contribution and look for more effective interaction.
